

Chapter 1: Rules Governing Solid Waste Management

Montgomery County, Maryland (the "County"), is a body politic and corporate and a political subdivision of the State of Maryland. The Montgomery County Comprehensive Solid Waste Management Plan for the Years 2009 – 2019 (the "Plan"), sets forth the policies, goals, and plans for the comprehensive management of solid waste in the County. The Plan was prepared by the Division of Solid Waste Services (DSWS) of the County Department of Environmental Protection (DEP) in accordance with Title 9, Subtitle 5 of the Environment Article, Annotated Code of Maryland. State law requires that the Plan must be adopted by the Montgomery County Council and submitted to the Maryland Department of the Environment (MDE) for approval. This chapter is organized as follows:

- 1.1 Authority for and Purpose of this Plan
- 1.2 Goals, Objectives and Policies for Solid Waste Management
- 1.3 Government Structure for Solid Waste Management
- 1.4 Laws and Regulations Governing Solid Waste Management

Acronyms and solid waste terms used in this chapter and throughout this document are defined in Appendix A.

1.1 AUTHORITY AND PURPOSE

1.1.1 Authority

Maryland State law authorizes the Montgomery County Council to regulate and control the management of solid waste in the County, pursuant to Sections 9-501 through 9-521 of the Environment Article, Annotated Code of Maryland. State law requires the County to develop a "Solid Waste Management Plan" for the entire County, including all towns, municipal corporations and sanitary districts. The Plan must cover a ten-year planning period and describe the solid waste disposal systems, solid waste acceptance

facilities and the systematic collection and disposal of solid waste by public or private entities. The Plan must be reviewed and updated as necessary at least once every three years. When deemed necessary by either the County Executive or the County Council, the County Executive must prepare an amendment to the Plan. The County must conduct a public hearing prior to adopting, amending or revising the Plan. The Plan must contain the information specified in COMAR 26.03.03, "Development of County Solid Waste Management Plans," as amended.

1.1.2 Purpose of Plan

The purpose of this Plan is to describe the County's programs for providing comprehensive management of solid waste generated by the County's residential, commercial, institutional, industrial, and agricultural sectors during the ten-year period from 2009 through 2019. The Plan establishes the framework on which current solid waste management activities are conducted and future programs are implemented. This Plan reflects the established integrated solid waste management system adopted by the County Council and implemented by the County Executive. The Plan sets out the manner in which solid waste generated throughout the County will be managed for the next ten years.

A number of technical terms have been developed in connection with the County's solid waste management system. The definitions of these terms as used in this Plan are included in Appendix A.

1.2 GOALS, OBJECTIVES AND POLICIES FOR SOLID WASTE MANAGEMENT

1.2.1 General Goals, Objectives and Policies

As related in Chapter 5 of this Plan, Montgomery County has adopted a general goal of solid waste management that establishes waste reduction as the most preferred management technique, followed by reuse and recycling, then incineration with energy

recovery, and, least preferred, landfilling. The general solid waste goals of this Plan include the following specific elements:

- The County must undertake all waste reduction measures to the extent practical and feasible.
- All waste recycling measures should be implemented that are practical with available technologies and markets and which are not significantly more expensive than the waste disposal measures that would otherwise be needed. Technology, markets, and cost effectiveness should be reviewed regularly so that recycling may be expanded as new opportunities arise or, conceivably, contracted if markets for particular materials disappear for a long time.
- The County will operate, or cause to be operated, a waste-to-energy Resource Recovery Facility (RRF) to burn the combustible solid waste remaining after reduction and recycling.
- Out-of-County landfilling is the preferred disposal method for RRF ash, bypass waste, and non-processible waste that cannot be recycled or reused. “Bypass” means waste received by the County which is processible at the RRF, but is not processed at the RRF and is instead sent by the County to its out-of-County landfill. In-County landfilling should occur only if cost effective out-of-County landfilling options become unavailable or legislatively prohibited.
- The County solid waste acceptance, drop-off, recycling and disposal facilities are designed based upon projections of solid waste generated in the County. To conserve capacity at the RRF and at other solid waste and disposal facilities for the residents and businesses of the County, the use of these facilities is restricted to solid waste generated in the County. This restriction does not apply to the Materials Recovery Facility (MRF), where under the terms of a contract

with Office Paper Systems (OPS), the County may allow other jurisdictions to use any excess capacity at the OPS facility (see Section 5.1.2.1 of this Plan).

- The County builds and maintains solid waste acceptance and disposal facilities primarily to accommodate municipal solid waste generated in the County. The County facilities may not necessarily accommodate other types of waste.

1.2.2 Integrated Solid Waste Management System

The County has adopted an integrated solid waste management system to achieve its goal of reducing and recycling solid waste to the maximum feasible extent. To achieve this goal, the County has adopted a policy that establishes a hierarchy of solid waste management options. The most preferred management option is the reduction of solid waste at its source. The second most preferred solid waste management technique is recycling and reuse of solid waste. The County's goal is to achieve, maintain or exceed 50 percent recycling of municipal solid waste by the end of Calendar Year 2010. The third tier option is combustion of solid waste remaining after reduction and recycling that for the recovery of electrical energy. The least preferred method of managing solid waste is landfilling. Solid waste remaining after reduction, recycling and combustion is landfilled. This hierarchy recognizes the interdependence of all elements of an integrated solid waste management system.

To realize its recycling goals, the County has implemented a policy of County-wide (non-municipal) curbside collection of recyclable materials and established a policy favoring purchase of recycled materials¹. The County has adopted regulations requiring recycling at non-municipal multi-family residential (apartment) and commercial properties^{2,3} and has numerous programs to promote and further achieve its recycling goals, as detailed in

1 Chapters 48 and 11B-56 in Montgomery County Code.

2 The City of Gaithersburg adopted the County's regulations for multi-family and commercial recycling in 2005.

3 In September 2008, the City of Rockville adopted the same regulations.

Chapter 5. The County has also adopted a ban on all recyclables at any County's solid waste disposal facilities.

The MRA of 1988 sets a recycling goal of 20 percent for counties with populations over 150,000 residents. The County's solid waste management programs and policies have created a system that exceeds the State's established recycling goals (see Section 3.1.10). The County's solid waste management hierarchy is fully consistent with the State's solid waste management hierarchy. By shifting the focus of solid waste management to reduction and recycling, the County strives to reduce the solid waste remaining for disposal. This helps the County reduce its reliance upon land within the County for landfilling. Further, by combusting solid waste, the volume of material required to be landfilled is reduced 70 % by weight and 90 % by volume. This is consistent with the County's comprehensive land use plan. The County's General Plan, known as "*A General Plan for the Maryland-Washington Regional District in Montgomery and Prince George's Counties*," provides the comprehensive planning and policy framework for land use, growth management, and resource management in Montgomery County.⁴ This Plan acknowledges the existence of certain solid waste facilities and advises that the County "provide an adequate, self-sufficient, well-monitored, and ecologically sound system for the management of Montgomery County's solid wastes".⁵

1.3 GOVERNMENT STRUCTURE FOR SOLID WASTE MANAGEMENT

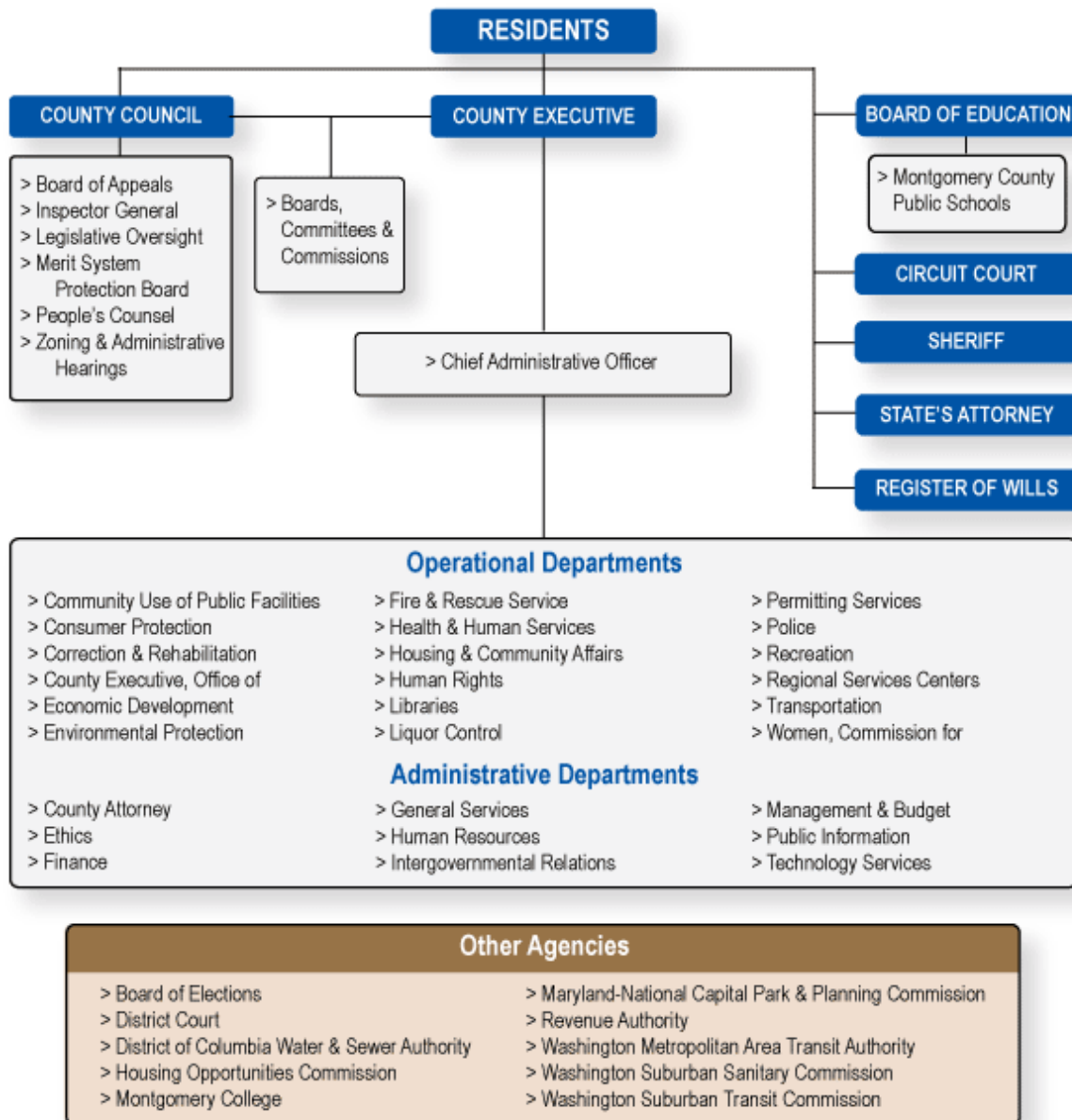
The County is a charter county of Maryland with a nine-member county council and a county executive. The County Executive drafts the Plan, its amendments and revisions, and recommends solid waste legislation. The County Executive also administers the County solid waste laws in Chapter 48 of the Montgomery County Code. The County Council, after providing notice and conducting public hearings, adopts the Plan, its amendments and

⁴ See Section 2.3 of this Plan for a fuller discussion of the County's General Plan.

⁵ Source: "A General Plan Refinement of the Goals and Objectives of Montgomery County," Maryland National Capital Park And Planning Commission, December 1993.

revisions and approves other solid waste legislation. An organizational chart of the County government is provided in Figure 1.1.

Figure 1.1
Montgomery County, Maryland Functional Organization Chart



1.3.1 Primary Solid Waste Management Responsibility

The day-to-day management of the County's integrated solid waste management system and planning for solid waste management is the responsibility of the County's DEP. DEP is under the general supervision of a Director, who is appointed by the County Executive and confirmed by the County Council. The Department of Environmental Protection (DEP) monitors air, water, and other environmental quality concerns related to solid waste management activities. In addition, DEP ensures that hazardous and special medical wastes are properly handled through the enforcement of State regulations and Chapter 48 of the County Code governing the handling and disposal of such material.

Within DEP, DSWS, which is headed by a merit employee division chief, is responsible for:

- Overseeing the collection of solid waste, responding to inquiries and complaints related to collection services and other County solid waste program activities, and enforcing solid waste laws and regulations;
- Managing solid waste reduction, recycling, composting, resource recovery and disposal facilities and programs to implement the County's integrated solid waste management system as detailed in Chapter 5 of this Plan;
- Disseminating information providing education, training and technical assistance to the public about various components of the County's integrated solid waste management system;
- Administer recycling regulations, including providing technical assistance and support, as well as enforcement;
- Assisting and supporting the legislatively created citizen advisory committees including: the SWAC, DAFIG and other ad-hoc advisory groups;

- Planning for facilities and programs with advice from SWAC and DAFIG to implement the County's integrated solid waste management system;
- Drafting the Plan and its amendments and revisions, proposed legislation and regulations, with review comments from the Office of the County Attorney (OCA), SWAC, DAFIG and the Maryland-National Capital Park and Planning Commission (M-NCPPC); and
- Providing for the periodic review and update, if necessary, of the Plan on a three-year basis.

1.3.2 Other Executive Branch Departments that Manage Solid Waste

The Department of Housing and Community Affairs (DHCA) enforces portions of Chapter 48 by ensuring removal of abandoned vehicles and solid waste from residential areas.

The MCDOT Division of Highway Services vacuums leaves in a portion of the County, collects roadside litter, and conducts clean-up operations following significant storm events.

The Police Department receives and disposes of abandoned vehicles.

The Division of Animal Services within the Police Department contracts for the collection and disposal of dead animals.

The Department of Fire and Rescue Services (DFRS) reviews solid waste acceptance facilities with respect to the potential for fire and other hazards. DFRS also supports DEP in controlled hazardous substances (CHS) spill emergencies.

1.3.3 Other Agencies that Manage Solid Waste

Other agencies have the following roles in the management of solid waste in the County and in the development of the Plan.

1.3.3.1 Maryland-National Capital Park and Planning Commission

The M-NCPPC is a bi-County agency created by the General Assembly of Maryland to prepare, adopt, and amend land use plans for the physical development of the Maryland-Washington Regional District that includes most of Montgomery and Prince George's Counties. M-NCPPC provides DEP with information and assistance as necessary during the preparation of the Plan. Pursuant to Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan to M-NCPPC for their recommendations at least 30 days before the date set for the public hearing on the Plan. The County Council requested M-NCPPC comments on January 23, 2009. M-NCPPC's recommendations are listed in Appendix G.

1.3.3.2 Washington Suburban Sanitary Commission

The Washington Suburban Sanitary Commission (WSSC) is a bi-County agency created by the General Assembly of Maryland. WSSC is responsible for planning, designing, constructing, operating and maintaining waste and sewerage systems, and acquiring facility sites and rights-of-way to provide potable water and sanitary sewer services within the Washington Suburban Sanitary District that includes most of Montgomery and Prince George's Counties. WSSC provides the executive branch with information and assistance as necessary during the preparation of the Plan. Pursuant to Section 9-515(e) of the Environment Article, Annotated Code of Maryland, the County Council must submit the final draft of any revision or amendment of the Plan for recommendation to WSSC at least 30 days before the date set for the public hearing on the Plan. The County Council requested WSSC comments on January 23, 2009. WSSC recommendations are listed in Appendix G. WSSC is responsible for biosolids of three of the four wastewater treatment plants in Montgomery County, but not the Poolesville treatment plant. WSSC is responsible for

approximately 45% of the Blue Plains Wastewater Treatment Facility biosolids. This is based on WSSC's allocation of capacity at the Blue Plains Wastewater Treatment Facility. The remainder of biosolids is the responsibility of DC Water and Sewer Authority (WASA).

1.3.3.3 Maryland Environmental Service

The Maryland Environmental Service (MES) is an agency of the State of Maryland and a public corporation that provides environmental management services to public and private entities. MES receives no direct State appropriation and is required to provide its services on a fee-for-service basis. MES assists the County in the operation of several elements of the County's solid waste management system, including operation of the MRF, the Yard Trim Composting Facility, and recycling activities taking place at the County Transfer Station.

1.3.3.4 Northeast Maryland Waste Disposal Authority

The Northeast Maryland Waste Disposal Authority (NMWDA) is a body politic and corporate and a public instrumentality of the State of Maryland. NMWDA was created by the General Assembly of Maryland to assist political subdivisions, public entities and the private sector in waste management and the development of adequate waste disposal facilities to accommodate regional requirements for disposal of solid waste. NMWDA financed the cost of designing and constructing the RRF and related transportation improvements necessary for the project. The County has a Waste Disposal Agreement with NMWDA for the disposal of non-recycled waste.

1.3.3.5 Waste Reduction and Recycling by Government Agencies

Each County agency must comply with all waste reduction and recycling requirements imposed on County businesses. Each agency should track its annual waste generation and recycling rates and should be prepared to report to the Council as requested on measures undertaken to reduce the amount of trash produced.

In accordance with Resolution 15-313, regarding environmental policy, each County agency or department must appoint Environmental Policy Coordinators, submit environmental action plans outlining their goals, including annual reports on their accomplishments, and, promote environmentally responsible business practices. The County expects all federal and state agencies located in the County to abide by County waste reduction and recycling regulations.

1.4 LAWS AND REGULATIONS GOVERNING SOLID WASTE MANAGEMENT

Solid waste management activities in the County are governed by federal, state, and local laws and regulations. Federal solid waste management laws and regulations provide the framework on which solid waste activities throughout the nation are conducted. However, federal authority in the County is limited. Federal authority to implement federal laws and regulations is given to the state. The County's solid waste program and ordinances must meet or exceed the solid waste laws and regulations of the state.

1.4.1 Federal Laws and Regulations

The major federal statutes that affect local solid waste management are provided in Table 1.1. Foremost among the federal statutes listed is the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. This law provides federal guidelines and standards for the environmentally sound reuse, handling and disposal of solid wastes. Subtitle D of RCRA provides federal standards for municipal solid waste (MSW) facilities, including requirements relating to the location, design, operation, ground water monitoring, closure and post-closure management and financial assurance criteria for municipal sanitary landfills.

The portions of RCRA that directly address solid waste management are in Title 42, Chapter 82, Sections 6901-6992k of the United States Code. Specific sections relevant to solid waste management activities in the County, as well as the preparation of the Plan, are

Sections 6941-6949a, entitled "State or Regional Solid Waste Plans". The objectives, as stated in Section 6941, are to:

"...assist in developing and encouraging methods for the disposal of solid waste which are environmentally sound and which maximize the utilization of valuable resources including energy and materials which are recoverable from solid waste and to encourage resource conservation. Such objectives are to be accomplished through federal technical and financial assistance to states or regional authorities for comprehensive planning pursuant to federal guidelines designed to foster cooperation among federal, state, and local governments and private industry."

Under Section 6942 of RCRA, the Federal government must develop guidelines to assist in the development of state solid waste management plans that contain methods for achieving the objectives defined in Section 6941. These guidelines must consider:

(1) the varying regional, geologic, hydrologic, climatic, and other circumstances under which different solid waste practices are required to ensure the reasonable protection of the quality of the ground and surface waters from leachate contamination, the reasonable protection of the quality of the surface waters from surface runoff contamination, and the reasonable protection of ambient air quality;

(2) characteristics and conditions of collection, storage, processing, and disposal operating methods, techniques and practices, and location of facilities where such operating methods, techniques, and practices are conducted, taking into account the nature of the material to be processed;

(3) methods for closing or upgrading disposal sites for purposes of eliminating potential health hazards;

(4) population density, distribution, and projected growth;

Table 1.1
Summary of Major Federal Statutes Affecting Solid Waste Management

Resource Conservation and Recovery Act:

A primary objective of this Act is to promote recycling and reuse of recoverable materials. The Act also provides guidelines for environmentally sound hauling and disposal of hazardous and non-hazardous solid waste. Subtitle D of the Act specifies criteria for MSW landfills.

Comprehensive Environmental Response, Compensation and Liability Act (Superfund):

Establishes programs for the identification and remediation of waste disposal sites containing hazardous substances; establishes standards for clean-up efforts and disposal of waste; and provides a mechanism for assigning liability for contaminated sites.

Clean Water Act:

Section 402 of this act establishes the National Pollutant Discharge Elimination System (NPDES) program to address the discharge of wastewater and runoff from solid waste management facilities into surface waters. The construction of facilities that may impact any rivers, lakes, marshes, swamps or wetlands of the United States is addressed by Section 404, which is administered by the Army Corps of Engineers. Section 405 addresses the disposal of wastewater treatment biosolids.

Clean Air Act:

Title I of the CAA addresses emissions from landfills and authorizes regulations on collection and control of those emissions. Title V of the CAA addresses the potential-to-emit pollutants and authorizes permitting regulations for major polluters. Landfill facilities are subject to Title I and are required to obtain a Title V permit, in addition to any facility that is a "major source" of pollutants.

Safe Drinking Water Act:

Establishes maximum contaminant levels for parameters included in ground water monitoring programs.

Federal Emergency Management Act:

Prohibits siting of landfills within the 100-year floodplain (Subtitle D allows for an exception if the unit will not restrict the flow on 100-year flood, reduce the temporary storage capacity of the floodplain, or result in wash out of solid waste).

- (5) geographic, geologic, climatic, and hydrologic characteristics;
- (6) the type and location of transportation;
- (7) the profile of industries;
- (8) the constituents and generation rates of waste;
- (9) the political, economic, organizational, financial, and management problems affecting comprehensive solid waste management;
- (10) types of resource recovery facilities and resource conservation systems which are appropriate; and
- (11) available new and additional markets for recovered material.

The Code of Federal Regulations (CFR), Title 40 is entitled *Protection of Environment* and includes Subchapter I *Solid Wastes*. Table 1.2 displays the CFR location for major federal regulations relating to solid waste management.

In 1991, President George Bush issued Executive Order 12780, Federal Agency Recycling and the Council on Federal Recycling and Procurement Policy. This order created the Federal Recycling Coordinator (designated by the EPA Administrator), the Council on Federal Recycling and Procurement Policy, and agency recycling coordinators within each of the major agencies, all in order to increase the level of recycling and purchase of recycled-content products.

In 1993 President Bill Clinton issued Executive Order 12873, Federal Acquisition, Waste Prevention, and Recycling. The order created the position of the Federal Environmental Executive and Agency Environmental Executives. These positions were

specifically intended to bolster support for recycling and the procurement of recycled-content products. This order also set the standard that all federal office paper is to contain at least 30 percent post-consumer recycled content.

1.4.2 Maryland Laws and Regulations

The primary laws of the State of Maryland that relate to solid waste management are contained in Article 25A *Chartered Counties of Maryland*, the *Environment Article* and the *Natural Resources Article*. Pursuant to Article 25A, *Chartered Counties of Maryland*, charter counties have the power to enact local laws for the protection and promotion of public safety, health, and welfare relating to the disposal of wastes. Title 9 of the *Environment Article* contains provisions for the planning and permitting of solid waste management and related facilities; it also provides for the regular submission of solid waste management plans by the counties and sets forth the minimum requirements of such plans and provides for a recycling office and requires counties to submit a recycling plan. Notable sections include the following:

- Section 9-204 defines the requirements for Refuse Disposal Permits issued by the MDE;
- Section 9-210 requires that specific wastes which are authorized for disposal in rubble landfills in the County be defined in the Plan prior to issuance of a permit by the State and provides prerequisites for the issuance of permits for refuse disposal systems;
- Section 9-211 describes the financial assurance requirements relating to the siting of solid waste facilities;

- Section 9-228 pertains to the storage, recycling and disposal of scrap tires through state efforts. Regulations for this program are in the Code of Maryland Regulations (COMAR) 26.04.08.

Title 9, Subtitle 17 of the Environment Article defines state recycling goals based on County population.

- Section 9-1703 requires that each county submit a recycling plan to the state when the Plan is submitted. This section also defines specific information to be included in both plans;
- Section 9-1708 establishes requirements for a natural road waste recycling facility.

The *Natural Resources Article* also contains several sections that relate to solid waste management planning. Notable provisions are included in Title 3, Subtitle 1 (Maryland Environmental Service); Title 9, Subtitle 4 of the Environment Article (Hazardous Waste Facility Siting Program); and Title 3, Subtitle 9 (Northeast Maryland Waste Disposal Authority).

The primary regulations governing solid waste management are contained in Title 26 (Department of the Environment), of COMAR. The pertinent sections of Title 26 are as follows:

- *Subtitle 03 – Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding*, which pertains to the development of county Comprehensive Solid Waste Management Plans;
- *Subtitle 04 – Regulation of Water Supply, Sewage Disposal, And Solid Waste*, which contains general provisions related to all aspects of solid waste management;

Table 1.2
Summary of Federal Regulations Affecting Solid Waste Management
(CFR, TITLE 40, SUBCHAPTER I)

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| Part 240: | Guidelines for the Thermal Processing of Solid Wastes Minimum performance levels for MSW incinerators. |
| Part 243: | Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Waste Minimum performance levels for solid waste collection operations. Issues addressed include storage safety and equipment, and collection frequency and management. |
| Part 246: | Source Separation for Materials Recovery Guidelines Minimum actions recommended for the recovery of resources from solid wastes, including high grade paper, residential materials and corrugated containers. |
| Part 247: | Guidelines for the Procurement of Products that Contain Recycled Materials Recommended guidelines only. Procedures and specifications for procurement of products to increase the use of recycled material. |
| Part 255: | Identification of Regions and Agencies for Solid Waste Management Procedures for the identification of regional solid waste management planning districts. |
| Part 256: | Guidelines for Development and Implementation of State Solid Waste Management Plans Guidelines for development and implementation of state solid waste management plans. |
| Part 257: | Criteria for the Classification of Solid Waste Disposal Facilities and Practices Criteria to determine which solid waste facilities pose a reasonable probability of adverse effects on health or the environment. Facilities in violation will be considered open dumps. Does not apply to municipal landfills (covered under Part 258). |
| Part 258: | Criteria for Municipal Solid Waste Landfills (Subtitle D Regulations) Establishes minimum national criteria for the design and operation of MSW landfills. Includes location restrictions, operating criteria, design criteria, ground water monitoring and corrective action, closure and post-closure, and financial assurance criteria. Design standards apply only to new landfills and lateral expansions of existing facilities. |
| Part 260: | Hazardous Waste Management System - General Provides definitions and a general overview of Parts 260 through 265. |
| Part 261: | Identification and Listing of Hazardous Waste Provides identification of those materials which are subject to regulation as Hazardous wastes under Parts 270, 271 and 124. |

TABLE 1.2 (cont)
Summary of Federal Regulations Affecting Solid Waste Management
(CFR, TITLE 40, SUBCHAPTER I)

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| Part 264: | Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities Establishes minimum national standards for the management of hazardous wastes. |
| Part 265: | Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal facilities Establishes minimum national standards that define the management of hazardous wastes during the period of interim status and until the certification of post-closure or closure of the facility. |
| Part 266: | Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Disposal Sites Establishes minimum national standards for the recyclable materials used in a manner to constitute disposal, hazardous waste burned for energy recovery, used oil burned for energy recovery, recyclable material used for precious metal recovery, and spent lead-acid batteries being reclaimed. |
| Part 270: | EPA Administered Permit Programs: The Hazardous Waste Permit Program Application requirements, standard permit conditions, monitoring and reporting requirements for EPA permitting for the treatment, storage and disposal of hazardous waste. |
| Part 271: | Requirements for Authorization of State Hazardous Waste Programs Identifies the requirements that state programs must meet to fulfill interim and final authorization as well as the procedures EPA uses to approve, revise and withdraw approval of State programs. |
| Part 272: | Approved State Hazardous Waste Programs Establishes the applicable State hazardous waste management programs. |
| Part 273: | Standards for Universal Waste Management Establishes the requirements for managing batteries, pesticides, mercury-containing equipments and lamps. |
| Part 503: | Standards for the Use or Disposal of Sewage Sludge Establish standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. |

- *Subtitle 11 - Air Quality*, which contains requirements governing incinerators and asbestos disposal; and
- *Subtitle 13 - Disposal of Controlled Hazardous Substances*, which contains requirements for the management of CHSs.

Table 1.3 lists the relevant sections of the Annotated Code of Maryland that affect solid waste management. A summary of State regulations pertaining to solid waste management appears in Table 1.4.

1.4.3 Montgomery County Code

Regulations affecting solid waste management activities are present in nine chapters of the Montgomery County Code. Chapter 48 (Solid Wastes) specifically addresses solid waste management. A summary of the solid waste management regulations in each chapter of the County Code is provided below.

Chapter 3 (Air Quality Control) provides for the burning of leaves and household trash in certain parts of the County (Section 3-6).

Chapter 5 (Animal Control) provides for the collection and disposition of dead cats and dogs (Section 5-102) and for the disposal of carcasses of dead animals that had been exposed to rabies (Section 5-55).

Chapter 11B (Contract and Procurement) provides for the use of goods containing recycled materials for County government procurement.

Chapter 19 (Erosion, Sediment Control and Storm Water Management) governs erosion and sediment control, storm water management, and activities conducted in a floodplain.

Chapter 22 (Fire Safety Code) addresses scrap, waste, and junk yards and collection stations with particular reference to fire protection (Section 22-61); the collection and burning of shavings, sawdust and other refuse materials produced at lumber yards and woodworking plants (Section 22-64); and the storage and handling of combustible waste and refuse (Section 22-80).

Chapter 25 (Hospitals, Sanitariums, Nursing and Care Homes) provides for the storage and disposal of garbage and "infectious" wastes at health care facilities (Section 25-43).

Chapter 28 (Junk Dealers and Junk Yards) provides for the licensing of junk dealers, the conditions for operating a junk yard and a prohibition against the burning of tires and other materials that create obnoxious odors or excessive smoke (Sections 28-1 to 7).

Chapter 31B (Noise Control) governs the generation of noise.

Table 1.3
Maryland Statutes Affecting Solid Waste Management

Chartered Counties of Maryland (Article 25A)

Environment

Title 4 Water Management

Title 6 Toxic, Carcinogenic, and Flammable Substances

Title 7 Hazardous Materials and Hazardous Substances

Title 9 Water, Ice and Sanitary Facilities

 Subtitle 2 Regulation by State

 Section 204 *Installing, Altering, or Extending Water Supply Systems, Sewerage Systems, or Refuse Disposal Systems*

 Section 209 *Landfill System Hearings*

 Section 211 *Landfills, Incinerators, and Transfer Stations: Requirements for Security*

 Section 212 *Landfill Systems - Options to Purchase*

 Section 226 *Certification of Public Necessity Required for Hazardous Waste Landfill System*

 Section 228 *Scrap Tires - Storage, Recycling, and Disposal*

 Subtitle 5 County Water and Sewerage Plans

 Section 503 *County plans - Required; review by governing body of county; revision or amendment*

 Section 506 *County plans - Review by official planning agencies; progress reports; submitting reports to Department*

 Section 516 *Special provisions for county plan in Montgomery County and Prince George's County - Information and assistance from Washington Suburban Sanitary Commission and Maryland-National Capital Park and Planning Commission*

 Subtitle 17 Office of Recycling

 Section 1703 *County Recycling Plans*

 Section 1708 *Natural Wood Waste Processing and Recycling*

Natural Resources

Title 3 Environmental Programs

 Subtitle 1 Maryland Environmental Service

 Subtitle 9 Northeast Maryland Waste Disposal Authority

Title 5 Forests and Parks

Table 1.4
Maryland Regulations Affecting Solid Waste Management

Title 08 Department of Natural Resources

The following sections must be considered in the siting of solid waste management facilities:

Subtitle 3, Chapter 8 Threatened and Endangered Species

Subtitle 19, Chapters 1-6 Forest Conservation

Title 26 Department of the Environment

Subtitle 3 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding

Chapter 3 Development of County Comprehensive Solid Waste Management Plans:

Requires that each county maintain a current solid waste management plan and establishes the form for these plans.

Chapter 10 Financial Assistance for the Construction of Solid Waste Processing and Disposal Facilities

Stipulates the requirements, priority listing criteria, and ranking system for counties to receive financial assistance from the State.

Subtitle 4 Regulation of Water Supply, Sewage Disposal and Solid Waste

Chapter 6 Sewage Sludge Management

Chapter 7 Solid Waste Management

Requirements for permitting, designing, construction, operating, and closing (municipal, land clearing debris, rubble, and industrial waste) landfills, processing facilities, transfer stations, and incinerators.

Chapter 8 Scrap Tire Regulations

Chapter 9 Natural Wood Waste Recycling Facilities

Subtitle 8 Water Pollution

Subtitle 11 Air Quality

Subtitle 13 Disposal of Controlled Hazardous Substances

Subtitle 17, Chapter 1 Erosion and Sediment Control

Subtitle 17, Chapter 2 Storm Water Management

Chapter 48 (Solid Wastes) provides for the management of solid waste⁶, which defined as "all waste materials and debris, including, but not limited to the following: garbage, sludge, and medical/pathological wastes, debris from building construction, ashes, junk, industrial waste, dead animals, salvageable waste, dead or felled trees, uprooted tree stumps, slash, tree limbs, bushes, plants, leaves, grass, garden trimmings, street refuse, abandoned vehicles, machinery, bottles, cans, waste paper, cardboard, sawdust, and slash from sawmill operations, and all other waste materials." (Section 48-1). In addition, this Chapter provides for the licensing and permitting of the collection, transportation and disposal of solid waste (Sections 48-5, 48-19, 48-22) and authorizes the County to establish service and disposal facilities (Section 48-8). Specifically, it provides for the establishment of refuse collection districts (Section 48-29). Article V provides for a recycling program in accordance with the approved Plan, and adopted regulations. It contains compliance and enforcement provisions, and authorizes the County Executive to enter into contracts to procure recycling services necessary for the collection, processing or marketing of recyclables.

Chapter 59 (Zoning) provides definitions of solid waste facilities as well as a list of land use zones in which these facilities are permitted either by right or by special exception.

⁶ In Maryland regulation (COMAR 26.03.03.01), "Solid waste" also includes the "liquid" from industrial, commercial, mining, or agricultural operations, and from community activities....